

AO 440 (Rev 1/90) Summons in a Civil Action

## United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

### SUMMONS IN A CIVIL ACTION

ARCON SOLUTIONS, LLC.

Plaintiff/Counterclaim Defendant

CASE NUMBER: 08 CIV. 02050 (RMB)

-against-

EAST 29<sup>th</sup> STREET, LLC and ESPAIS PROMOCIONS  
IMMOBILIARIES EPI.,

Defendants/Counterclaimants

-against-

MICHAEL FALKE and MARK GEMIGNANI

Additional Counterclaim Defendants

TO: Mark Gemignani  
c/o Arcon Solutions, LLC  
Espirito Santo Plaza  
1395 Brickell Ave., Suite 800  
Miami, FL 33131

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

PRYOR CASHMAN LLP  
410 Park Avenue  
New York, New York 10022  
(212) 421-4100

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

APR 23 2008

DATE

BY DEPUTY CLERK

AO 440 (Rev. 1/90) Summons in a Civil Action

## **RETURN OF SERVICE**

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate appropriate method of service*

Served personally upon the defendant. Place where served: \_\_\_\_\_

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Returned unexecuted:

Other (specify):

## **STATEMENT OF SERVICE FEES**

**TRAVEL**                    **SERVICES**                    **TOTAL**

## **DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_

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*Signature of Server*

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*Address of Server*

<sup>1</sup> As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**Demovsky Lawyer Service**Premier Nationwide Document Retrieval  
and Process Service CompanyUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARCON SOLUTIONS, LLC,

Case No. 08 CV 02050 (RMB)

Plaintiff/Counterclaim Defendant,

-against-

## AFFIDAVIT OF SERVICE

EAST 29<sup>TH</sup> STREET, LLC and ESPAIS PROMOCIONS  
IMMOBILIARIAS EPI,

Defendants/Counterclaimants,

-against-

MICHAEL FALKE and MARK GEMIGNANI,

Additional Counterclaim Defendants.

X

STATE OF FLORIDA )

S.S.

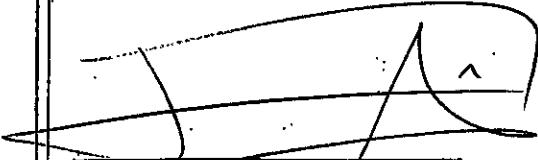
COUNTY OF DADE )

ERNESTO VALDEZ, being duly sworn, deposes and says that he is over eighteen years of age, is an agent of the attorney service, DLS, INC., and is not party to this action.

That on the 25<sup>th</sup> day of April, 2008, at approximately the time of 12:40 PM, deponent served a true copy of the SUMMONS IN A CIVIL ACTION; ANSWER AND COUNTERCLAIMS upon MARK GEMIGNANI c/o Arcon Solutions, LLC at Espirito Santo Plaza, 1395 Brickell Avenue, Suite 800, Miami, FL, by personally delivering and leaving the same with Comptroller, CITIEST ARGIBAY, a person of suitable age and discretion at that address, the actual place of business. At the time of service, deponent asked whether MARK GEMIGNANI is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

**Demovsky Lawyer Service**Premier Nationwide Document Retrieval  
and Process Service Company

CHERSI ARGIBAY is a white female, approximately 25 years of age, stands approximately 5 feet 5 inches tall, weighs approximately 130 pounds with dark blond hair and light eyes.

  
**ERNESTO VALDEZ**

Sworn to before me this  
30<sup>th</sup> day of April , 2008



Todd E. Soloway  
[tsoloway@pryorcashman.com](mailto:tsoloway@pryorcashman.com)  
Jonathan T. Shepard  
[jshepard@pryorcashman.com](mailto:jshepard@pryorcashman.com)  
PRYOR CASHMAN LLP  
410 Park Avenue  
New York, New York 10022  
Tel: (212) 421-4100  
Fax: (212) 326-0806

Attorneys for Defendants/Counterclaimants

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
ARCON SOLUTIONS, LLC, :  
Plaintiff/Counterclaim Defendant, : Case No. 08 CV 02050 (RMB)  
vs. :  
AFFIDAVIT OF SERVICE  
EAST 29<sup>TH</sup> STREET, LLC and ESPAIS PROMOCIONS :  
IMMOBILIARIES EPI, S.A., :  
Defendants/Counterclaimants, :  
vs. :  
MICHAEL FALKE and MARK GEMIGNANI, :  
Additional Counterclaim Defendants.  
----- X

VANESSA G. LAN, being duly sworn, deposes and says:

1. I am not a party to this action, I am over 18 years of age and reside in New York, New York.
  
2. On May 1, 2008, I caused to be served the within Summons and Answer and Counterclaims by depositing a true copy thereof enclosed in an envelope addressed to the

following persons at the address set forth after their names in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State:

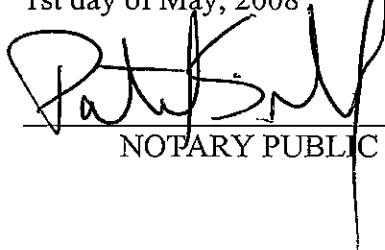
Michael Falke  
c/o Arcon Solutions, LLC  
Espirito Santo Plaza  
1395 Brickell Ave., Suite 800  
Miami, FL 33131

-and-

Mark Gemignani  
c/o Arcon Solutions, LLC  
Espirito Santo Plaza  
1395 Brickell Ave., Suite 800  
Miami, FL 33131

  
\_\_\_\_\_  
VANESSA G. LAN

Sworn to before me on this  
1st day of May, 2008

  
\_\_\_\_\_  
PATRICK SIBLEY  
NOTARY PUBLIC

PATRICK SIBLEY  
Notary Public, State of New York  
No. 01SI6152486  
Qualified in Queens County  
Commission Expires September 18, 2010